

to prepare a proposed discovery plan and submit the plan to the Court. The Court informed the parties that its typical deadline for discovery is 180 days following the entry of the Court's Scheduling and Discovery Order, which is not entered until after the Court receives the parties' proposed discovery plan. The Court set a deadline of February 13, 2009, for the submission of the discovery plan.

On February 10, 2009, attorney Smith filed the Motion that is presently before the Court. In the Motion, she claims that she will be on maternity leave from March 2, 2009, through May 25, 2009. According to Smith, discovery is scheduled to expire on March 24, 2009. Thus, she requests that the proceedings be stayed from March 2, 2009, and that the discovery deadline be extended until July 24, 2009. In addition to requesting a stay of proceedings and an extension of the discovery deadline, Smith requests that the Court issue an Order permitting her to take her scheduled leave of absence.

Local Rule 83.1.5 provides that "[f]ormal applications by attorneys for leaves of absence should not be filed and will not be acted upon unless the attorney has been notified by the court to appear during the time she wishes to be absent." (emphasis in original). Because Smith is not scheduled to appear during the time she wishes to take leave, her Motion for Leave is denied as moot. In addition, Smith incorrectly asserts that the discovery deadline is March 24, 2009. Because the parties have not submitted their proposed discovery plan, this Court has not entered a Scheduling and Discovery Order setting any discovery deadlines. The parties have until February 13,

2009, to submit their discovery plan. Assuming that the parties submit their plan on February 13, 2009, the discovery deadline would be in August 2009. Thus, Smith's requests that discovery be extended until July 24, 2009, and that this case be stayed are denied as moot.

SO ORDERED, this the 11th day of February, 2009.

s/ Hugh Lawson
HUGH LAWSON, Judge

dhc